

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**Motion to Instruct Conferees on H.R. 2267 (FY 1998 Commerce, Justice, State,  
and the Judiciary Appropriations Act)  
H.R.1270—Nuclear Waste Policy Act  
H.R. 2493—Forage Improvement Act**



**Motion to Instruct Conferees on H.R. 2267 (FY 1998 Commerce, Justice, State,  
and the Judiciary Appropriations Act)**

**Floor Situation:** The House may consider a motion by Mr. Rohrabacher to instruct House conferees on H.R. 2267 after it completes debate on the rule for H.R. 1270. Such a motion is privileged after a bill has been in conference for 20 days and must be considered within two legislative days of being filed. The motion is debatable for one hour. The House appointed conferees on H.R. 2267 on October 6.

**Summary:** The motion instructs House conferees to insist on the House position and oppose language included by the Senate to permanently extend Section 245(I) of the U.S. Code, which allows illegal residents to pay a \$1,000 fine for their illegal presence in the U.S. and thereby enter into a process to obtain legal status and get a permanent-resident visa. The immigration provision was set to expire on September 30, 1997; however, it was extended by its inclusion in the FY 1997 continuing resolution (H.J. Res. 97) until November 7.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #24, Pt. II, September 8, 1997.



## **H.R. 1270—Nuclear Waste Policy Act**

**Floor Situation:** The House will consider H.R. 1270 after it completes consideration of Mr. Rohrabacher's motion to instruct conferees on H.R. 2267. Yesterday, the Rules Committee granted a structured rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Commerce Committee, as well as 20 minutes of debate equally divided between the chairman and ranking member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text, and waives Congressional Budget Act requirements that the Budget Committee report provisions within its jurisdiction. It also waives House rules which prohibit appropriations in an authorization measure. The rule makes in order 10 amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. The rule stipulates that, after a motion that the Committee of the Whole rise has been rejected during the day, the chairman may entertain another such motion that day only if offered by the majority leader or his designee. Finally, the rule provides one motion to recommit, with or without instructions.

After passage of H.R. 1270, the rule provides for consideration of a motion to call up S. 104 (the Senate version of the bill), strike all after the enacting clause, and insert the text of the House-passed version of H.R. 1270. After adoption of the motion, the rule makes in order a motion for the House to insist on its amendment to S. 104 and request a conference.

**Summary:** H.R. 1270 revises the 1987 Nuclear Waste Policy Act (*P.L. 100-202* and *P.L. 100-203*) to address problems and delays that have occurred during the development of an interim storage site and a permanent disposal site for nuclear waste. Specifically, the bill (1) outlines procedures by which the waste will be transported to an interim storage site; (2) enhances safety and emergency training of public safety officials in states that the waste will be transported through; (3) extends the date for which the Department of Energy must begin accepting waste at an interim site from 1998 to 2002; (4) increases the amount of waste that may be accepted at the interim site; and (5) replaces the user fee, which is based on a flat rate, with a fee based on the amount needed to complete the project.

CBO estimates that enactment will result in total outlays of \$4 billion, and total offsetting receipts of \$1.7 billion over the next five years. The bill affects direct spending, so pay-as-you-go procedures apply. The bill was introduced by Mr. Upton et al. and ordered reported by the Commerce Committee by a vote of 43-3. The Resources Committee ordered the bill reported unfavorably by voice vote and the Transportation Committee discharged the bill without taking action.

**Views:** The Republican Leadership supports passage of the bill. The Clinton Administration has threatened to veto the bill. The administration is particularly concerned with establishing an interim storage facility before the viability assessment of the permanent disposal site is complete.

**Amendments:** The rule makes in order the following amendments, debatable in the order listed and for the time specified below:

**Mr. Schaffer** will offer a manager's amendment, debatable for 10 minutes, which reflects agreements made between the Commerce, Resources, and Transportation & Infrastructure Committees. Specifically, the amendment (1) directs the Energy Secretary to minimize transporting nuclear waste

through highly populated areas, (2) directs the Transportation Secretary to establish a procedure within the next year for selecting which rail routes to transport waste, (3) clarifies that nothing the bill effects the Hazardous Materials Transport Act. *Staff Contact: Joe Kelliher, x6-2424*

**Mr. Kildee** may offer an amendment, debatable for 10 minutes, to change the definition of an “affected Indian Tribe.” The amendment expands the definition to include two Nevada Indian Tribes as tribes that are eligible to receive assistance and be included in consultations. The two tribal lands are contiguous to the land used for the repositories. Because Indian Tribes are sovereign nations, they are offered financial assistance and advisory benefits under the bill which are similar to those received by states. *Staff Contact: Larry Rosenthal, x5-3611*

**Mr. Traficant** will offer an amendment, debatable for 10 minutes, to limit the nuclear waste that may be accepted by the Department of Energy to nuclear waste produced in the United States. Currently, the bill allows any Department of Defense waste and certain foreign reactor waste to be accepted. The member argues that the repository should not become a world repository. Opponents to the amendment argue that nuclear submarines create nuclear waste in international waters and the amendment would not allow this waste to be disposed. *Staff Contact: Dan Blair, x5-5261*

**Mr. Ensign** will offer an amendment, debatable for 20 minutes, to require a risk assessment and cost benefit analysis to be conducted before and Department of Energy can carry out any provision in the bill. The member argues that the long-term impacts of disposing nuclear waste should be thoroughly evaluated to ensure that the environment and the public will be protected. Opponents argue that the amendment will bog down the project in endless studies which have already been conducted. *Staff Contact: Windsor Laing, x5-5965*

**Mr. Gibbons** may offer an amendment, debatable for 20 minutes, to require that each state that nuclear waste will travel through must certify that a prepared emergency response team is ready to handle any accident that may occur during transport. *Staff Contact: Jack Victory, x5-6155*

**Mr. Ensign** will offer an amendment, debatable for 20 minutes, to prohibit DOE from planning transportation routes during a fiscal year unless sufficient funds have been appropriated to support emergency response teams in states through which nuclear waste is being transported. *Staff Contact: Windsor Laing, x5-5965*

**Mr. Markey** will offer an amendment, debatable for 20 minutes, to permit the EPA to promulgate radiation standards. The bill currently repeals the EPA’s authority to do so and sets a standard of 100 millirems of radioactivity per year. *Staff Contact: Michal Freedhoff, x5-5965*

**Mr. Gibbons** may offer an amendment, debatable for 20 minutes, to eliminate the cap on the user fee that may be collected. Under the bill, the limit is 1.5 mill or 15 hundredths of a cent per kilowatt hour. The member argues that as reactors shut down, fewer users will remain to contribute to the fund. Therefore, lifting the cap will ensure that DOE has the authority to collect sufficient funds to complete the project. Opponents of the amendment argue that removing the cap gives DOE a blank check. *Staff Contact: Jack Victory, x5-6155*

**Mr. Traficant** will offer an amendment, debatable for 10 minutes, to require that contracts granted to carry out the provisions in the bill to comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase

only American-made products, and bars any person who has been convicted of fraudulently using a “Made in America” inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. **Staff Contact: Dan Blair, x5-5261**

**Ms. Millender-McDonald** will offer a substitute amendment, debatable for 30 minutes, to strike all of the provisions in H.R. 1270 and maintain current law, except for bill provisions which change the user fee. The substitute retains the 1998 deadline for accepting waste at an interim site and requires the Yucca Mountain permanent disposal site to be licensed before construction of the interim site may commence. The member argues that the federal government should uphold its obligation to take responsibility for nuclear waste and that all studies should be completed to evaluate the safety of the site before any waste is relocated. Opponents of the amendment argue that it is impossible to meet the 1998 deadline for accepting waste and that unless the law is changed, DOE will become involved in an endless string of lawsuits. **Staff Contact: Marcus Mason, x5-7924**

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997



## **H.R. 2493—Forage Improvement Act**

**Floor Situation:** The House is scheduled to consider H.R. 2493 after it completes consideration of H.R. 1270. On Tuesday, the Rules Committee granted a modified-open rule providing one hour of general debate, with 30 minutes equally divided between the chairman and ranking minority member of the Resources Committee and 30 minutes equally divided between the chairman and ranking minority member of the Agriculture Committee. The rule limits total debate on amendments to three hours and makes in order a committee amendment in the nature of a substitute as base text. In addition, the rule makes in order a manager’s amendment by Mr. Smith (OR), debatable for 10 minutes equally divided between a proponent and an opponent. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 2493 makes a number of changes to the way federal agencies govern livestock grazing on public lands. Specifically, the bill (1) establishes a statutory fee formula (which is expected to increase the grazing fee by 36 percent); (2) requires science-based monitoring of range-land health; (3) encourages voluntary coordinated allotment management plans; (4) clarifies that subleases of permits are illegal; and (5) streamlines conflicting Forest Service and Bureau of Land Management regulations.

Assuming appropriations of the estimated amounts, CBO estimates that enactment of H.R. 2493 will increase discretionary spending by \$10 million over the FY 1998-2002 period. In addition, CBO estimates that enactment will increase the federal government’s net income from grazing fees by \$5.6 million over the same period. The bill was introduced by Mr. Smith (OR). The Agriculture Committee reported the bill by voice vote on September 24, 1997; the Resources Committee passed the bill by a vote of 22-7 on October 22.

**Views:** The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have voiced opposition to the bill and have urged the president to veto it.

**Amendments:** The rule makes in order a manager's amendment by Mr. Smith (OR), to be offered before any other amendment, debatable for 10 minutes equally divided between a proponent and an opponent.

— *Manager's Amendment* —

**Mr. Smith (OR)** will offer a manager's amendment that makes several substantive changes to the bill, as well as a couple of technical and conforming amendments. Specifically, the amendment:

- \* strikes the section of the bill that codifies Resource Advisory Councils (RAC);
  - \* strikes the section prohibiting federal agencies from requiring public access of private land as a condition for issuing or renewing a grazing permit. Eliminating this provision essentially retains the status quo, since (1) the Federal Land Policy and Management Act (FLPMA) contains a provision addressing this issue; and (2) the Supreme Court ruled that this type of action is unconstitutional in *Dolan v. City of Tigard*;
  - \* changes the definitions of allotment and base property to include the word "associated" instead of "appurtenant." Some members have raised concerns that the use of the term "appurtenant" conveys an implied property right, although sponsors insist that this was not the intent of the provision;
  - \* strikes the definition of the phrase "consultation, cooperation, and coordination."
- Staff Contact: Doug Badger, x5-6730**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2493:

**Mrs. Chenoweth** may offer a series of amendments, either *en bloc* (#1) or individually (#2, #3, #4, or #7), to make a number of changes to the bill. These changes include:

- \* clarifying that the definition of "multiple use" is identical to that defined in the FLPMA. The sponsor is concerned that, through the promulgation of new regulations, the bill allows the Interior Secretary to redefine "multiple use;"
- \* redefining the term "allotment." The sponsor contends that the current definition in the bill could threaten private property rights;
- \* striking the definition of "base property." The sponsor is concerned that the definition in the bill might allow the Interior Secretary to affix any private property to a grazing preference right when that right is being transferred; and
- \* changing the grazing fee formula. The amendment establishes a fee based on the private grazing forage market and is determined through indexing a base fee to changes in that market. **Staff Contact: Greg Peek, x5-6611**

**Mr. Miller (CA)** may offer an amendment to make several changes to the bill. Details of the amendment were unavailable at press time. **Staff Contact: Rick Healy, x6-2311**

**Mr. Vento** may offer an amendment (#10) to modify the grazing fee formula in the bill. Specifically, the amendment requires operators of grazing lands of less than 2,000 AUM to pay a grazing fee equal to the formula in H.R. 2493. However, the amendment also requires grazing land operators with more than 2,000 AUM to pay a grazing fee equal to the bill's rates for the first 2,000 AUM and, for any AUM in excess of 2,000, pay a rate equal to (1) the average grazing fee for the particular state; or (2) the level of the grazing fee in H.R. 2493 plus 25 percent, whichever is higher. **Staff Contact: Terry Klein, x5-6631**

**Mr. Vento** may offer an amendment (#11) to modify the definition of animal unit month (AUM). The bill currently defines AUM as the amount of forage needed to sustain one animal unit (one cow and calf, one horse, or seven sheep or seven goats) for one month. The amendment restores the number of sheep and goats per AUM from seven to five, as it is under current law. **Staff Contact: Terry Klein, x5-6631**

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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John Boehner  
Chairman  
8th District, Ohio

Member Sponsoring Amendment: \_\_\_\_\_ Bill #: \_\_\_\_\_

Additional Co-sponsors (if any): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_ Evening Phone #: \_\_\_\_\_

Description of the amendment: \_\_\_\_\_

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): \_\_\_\_\_

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*Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.*

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